

Additional comments from surveys:

1. Thanks to everyone for doing this. As I sat down this weekend and looked at the list I realized that from the ACLU perspective if the document is public, then there is no 4th amendment privacy interest that would justify making it harder to access on-line as opposed to in-person. Therefore, while I personally have no interest in making it easy, for example, for the salacious details of a family law case to be easily available, I have no constitutional basis to prevent e-access to it if it is otherwise available. Administrative Rule 9(G)(4)(d) requires that any court order prohibiting public access must “use[] the least restrictive means and duration when prohibiting access.” I would suggest that this can be interpreted as allowing a court to allow public courthouse access but deny e-access, on a case-by-case basis. Perhaps this would resolve some of the concerns, as opposed to a blanket rule. Therefore, I have no changes to make on the form.
2. While I believe the Case Chronology in all cases should be available to the public, the presumption of innocence and the possibility of contaminating jurors should dictate that all criminal matters remain for the parties only until a resolution of the case has been achieved. I think some of the issues regarding information contained in certain kinds of pleadings/cases is already covered under Administrative Rule 9, and therefore am uncertain in civil matters whether blanket prohibition of the case type would be necessary. And I do have a question...about Original Actions filed in the Supreme Court...are they covered under this committee? They may already be considered to be public, but I could imagine instances where it would not be prudent to allow the pleadings to be made available publicly online. Thanks.
3. It is difficult for me to fill this out because I do not have a full understanding of court documents and cases and I most certainly would not want victim information to be released. That's why I left many blank. For Miscellaneous Civil Documents, I believe that Adult Protective Service petitions may need to remain confidential to protect victims, but I'm not certain that anything else listed in this category would be confidential. As far as criminal cases go, I would advocate that public access not be available to any crimes committed against a person, and particularly domestic violence, sexual assault and child abuse cases. I'm certain that it could be a blanket statement of all misdemeanors have or do not have public access. Some may and some may not. If it's too difficult to guarantee a victim's identity and information, then I would vote for limited access for all cases. Happy to discuss further.
4. No pleadings or orders in criminal cases should be available online to the public unless and until there is a conviction. If there is a conviction, the non-confidential orders and pleadings from throughout the case should be made available online.
5. In the question on pleadings, the trial rules define that term to only include 5 types of documents—not all of the types of pleadings that pop up on the unique events so I am having a hard time with that one as well. (For instance, the question on should pleadings in the “type of case” identified as a satisfaction and release of judgment be public? I responded yes, but there is no such “pleading”) In the section re: judgments/order in family law cases and whether access should be restricted, there are some of these things that should not be available to parties and their attorneys before service so not checking the box does not mean that people other than registered users should have access, and “no opinion” does not apply. So this question was a little hard to answer accurately as well, given the choices